



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/573,502

05/22/2006

Takashi Tadatsu

HIG051003

3592

39290

7590

07/07/2008

DUANE MORRIS LLP

505 9th Street

Suite 1000

WASHINGTON, DC 20004-2166

EXAMINER

CAMPBELL, SHAUN M

ART UNIT

PAPER NUMBER

2829

MAIL DATE

DELIVERY MODE

07/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/573,502	TADATSU, TAKASHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	SHAUN CAMPBELL	2829	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/29/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. Claims 1-2 are presented for examination.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is **important** that the abstract **not exceed 150 words** in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities: The disclosure and the claims are objected to because the word formatting contains errors such as missing spaces between words throughout the application, the applicant is

reminded that the application should be written in either Arial or Times New Roman formatting.

Appropriate correction is required.

### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1 and 2 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5-9 of U.S. Patent No. 7,218,092 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 5-9 of patent no. 7,218,092 includes all of the limitations of claims 1 and 2 except:

Wherein a voltage of a measurement target alternating-current power line is applied to the excitation coil, and a current proportional to the voltage is carried to the excitation coil, and an output of the detection coil is synchronously detected by a signal having a phase synchronized with a phase of the voltage of the measurement target alternating-current power line at a frequency twice as high as a frequency of the voltage of the measurement target alternating-current power line [claim 1].

However, it is disclosed that a voltage of a measurement target alternating-current power line is applied to the excitation coil (fig 1, wire 6 is applied to the exciting means 3a and 3b), and a current proportional to the voltage is carried to the excitation coil (col. 23, lines 41-57), and an output of the detection coil is synchronously detected by a signal having a phase synchronized with a phase of the voltage of the measurement target alternating-current power line at a frequency twice as high as a frequency of the voltage of the measurement target alternating-current power line (col. 16, lines 45-53 and coil 23, lines 41-57)[claim 1].

Wherein a current, which is obtained by subjecting a current proportional to a voltage of a measurement target power line to at least one of an intermittent processing and an inverting processing, is carried to the excitation coil, the current of the measurement target power line is carried to a detection target current conductor, and an output of the detection coil is synchronously detected by a signal having a phase synchronized with a cycle of the intermittent processing or the inverting processing at a frequency twice as high as a frequency of the intermittent processing or the inverting processing [claim 2].

However, it is disclosed that a current, which is obtained by subjecting a current proportional to a voltage of a measurement target power line to at least one of an intermittent processing and an inverting processing (col. 2, lines 1-13; col. 16, lines 45-53; and col. 23, lines 41-57), is carried to the excitation coil (exciting coil 3a and 3b), the current of the measurement target power line (wire 6) is carried to a detection target current conductor (detecting coil 4), and an output of the detection coil is synchronously detected by a signal having a phase synchronized with a cycle of the intermittent processing or the inverting processing at a frequency twice as high as a frequency of the intermittent processing or the inverting processing (col. 16, lines 45-53 and col. 23, lines 41-57)[claim 2].

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAUN CAMPBELL whose telephone number is (571)270-3830. The examiner can normally be reached on Monday Through Friday 8:00AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Ha can be reached on (571) 272-1678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2829

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shaun Campbell/  
Examiner, Art Unit 2829  
7/1/2008

/Jermele M. Hollington/  
Primary Examiner, Art Unit 2829  
July 2, 2008